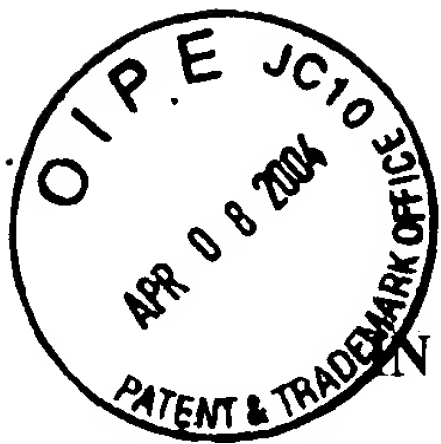


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Serial No. 09/977,636
Attorney Docket No: RPC 0554 PUS

3727
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: William P. Apps et al. Examiner: Castellano

Serial No.: 09/977,636 Group Art Unit: 3727

Filed: October 15, 2001

For: NESTABLE CRATE FOR CONTAINERS

Attorney Docket No.: RPC 0554 PUS

APPEAL BRIEF

Mail Stop Appeal Briefs-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

Appellant files this Appeal Brief pursuant to the Notice of Appeal filed February 2, 2004.

Real Party in Interest

The real party in interest is Rehrig Pacific Company, the Assignee of the entire right and interest in this application by assignment recorded on October 15, 2001, at Reel 012267, Frame 0504.

Related Appeals and Interferences

There are no related appeals and interferences.

Status of the Claims

All of the pending claims, claims 1-32, are rejected and appealed.

CERTIFICATE OF MAIL

I hereby certify that the enclosed Appeal Brief (in triplicate) is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 2, 2004.


Konstantine J. Diamond

Status of Amendments

The Amendment After Final filed January 28, 2004 was not entered. This amendment sought to correct some minor, obvious typographical errors that were pointed out by the Examiner. This Amendment should have been entered, since it only sought to make obvious corrections that the Examiner pointed out. Although Applicant disagrees with the reasons given by the Examiner for not entering the proposed amendments to claims 23 and 24, the Examiner did not even offer reasons why the other amendments to the claims were not entered. However, since each correction is readily apparent, there are no genuine §112 errors and the rejections under §112 are improper, despite the fact that the Amendment should have been entered. Not all typographical errors make claims indefinite such that they are invalid under §112, second paragraph. The Examiner could have objected to the claims, without rejecting the claims, but in any event should have entered the Amendment After Final.

Summary of the Invention

The present invention relates to a nestable crate for transporting and storing containers, particularly single-serving bottles.

Bottles, particularly those used to contain soft drinks and other beverages, are often transported and stored in crates having a bottom surrounded by four sidewalls. These crates generally are configured to be stacked on top of each other both when empty and when loaded with bottles. These crates are known in the art generally as full-depth and half-depth crates. Half-depth crates are shorter than full-depth crates, thus providing for greater visibility of the crates' contents.

Full-depth and half-depth crates are not designed to nest with one another and do not significantly stack, and thus do not store efficiently when empty. They typically have vertical exterior surfaces from top to bottom, and minimal wall stock, for providing a minimal overall length and width to allow for as much bottle density and as little crate structure as possible, in order to provide for pallet optimization, with little or no pallet overhang. The bottom of these crates extends downwardly and inwardly offset from the sidewalls defining a crate footprint. The stacking feature of such crates is typically limited to this bottom footprint, which is received within the rim of a like container to achieve more stable stack. One design is shown in U.S. Design Pat. No. D 361,663 to Kalin, which is a basis for some of the grounds of rejection.

Referring to Figure 1 (reproduced below), a crate 10 according to the present invention includes a floor member 12, and also includes a wall structure that has a top band 14 (or upper wall member) and a plurality of columns 16 (or lower wall member) extending around the periphery of the floor member 12 for connecting floor member 12 to top band 14. Columns 16 are arranged along the sides of crate 10. Crate 10 also includes corner column members 18 at each of the corners of crate 10. The wall structure includes sidewalls 20 and end walls 22.

The top band 14 extends around the periphery of crate 10 and includes a sidewall 20 having a plurality of bottle contact areas 21 which are illustrated as single-walled, while having two walls, an inner wall spaced inwardly from an outer wall, in the areas 23 between bottle contact areas 21. Top band 14 is oriented generally perpendicular to floor member 12 and is spaced above floor member 12 a sufficient height to prevent bottles stored therein from tipping. Upper inner surface 64 is disposed slightly outward from column inner surface 52, to provide a transition ledge 65 therebetween. Top band 14 is offset outwardly from columns 16 such that nesting is achieved when stacked empty.

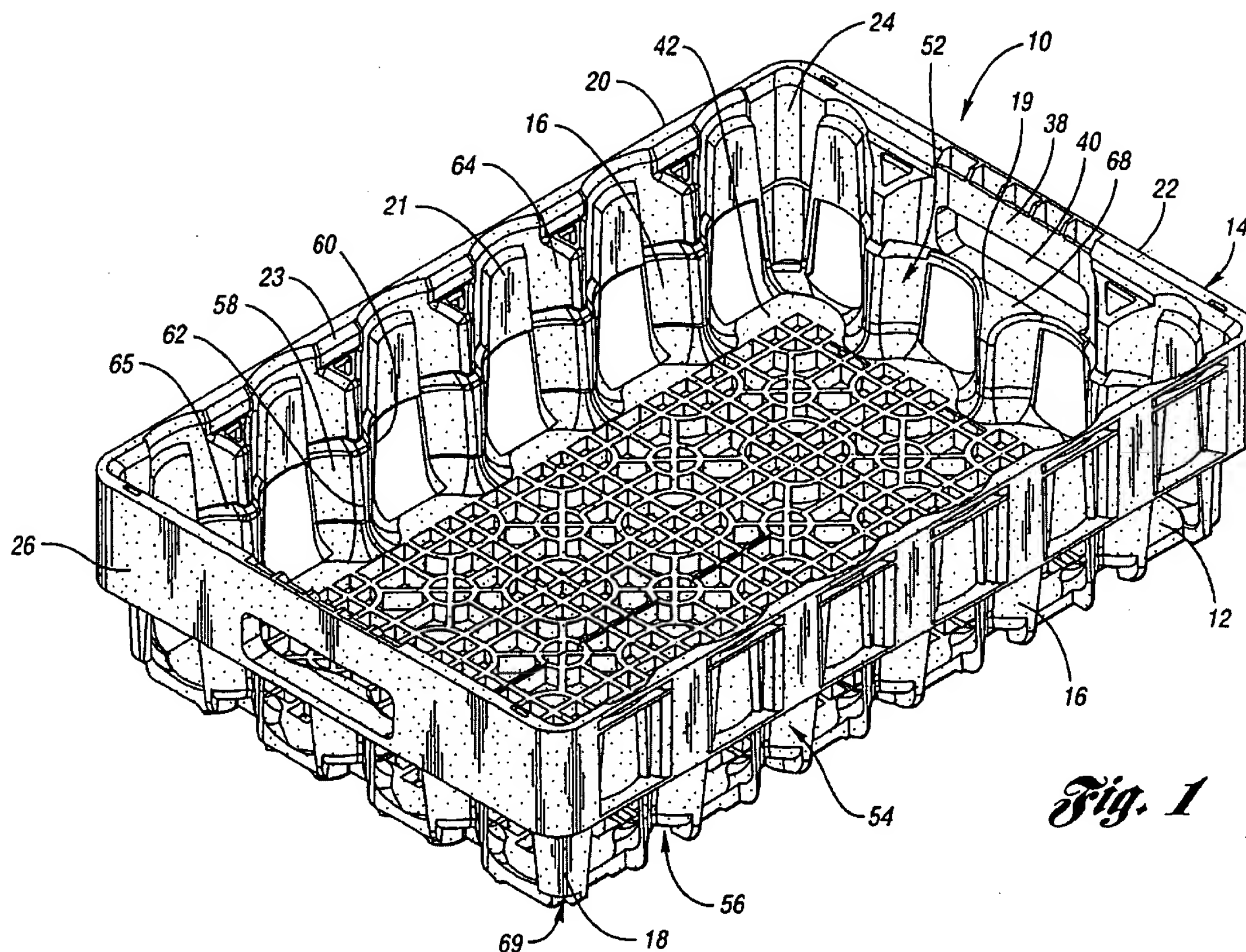


Fig. 1

Issues

- I) The final rejections of claims 22, 23, 26 and 28-30 under 35 U.S.C. §112, second paragraph, as indefinite are improper.
- II) The final rejection of claims 8-16, and 23-25 under 35 U.S.C. §102(b) as being anticipated by Apps et al. (5,651,461) and Apps et al. (5,842,572) is improper.
- III) The final rejection of claims 23 and 25-30 under 35 U.S.C. §102(b) as being anticipated by Apps (U.S. Patent No. 5,184,748) is improper.

IV) The final rejection of claims 31 and 32 under 35 U.S.C. §102(b) as being anticipated by Kalin (D361,663) is improper.

V) The final rejection of claims 1-7 under 35 U.S.C. §103(a) as being unpatentable over Apps et al. (5,651,461) and Apps et al. (5,842,572) in view of Kalin (D361,663) and Hammett (5,421,477) is improper.

VI) The final rejection of claims 17-22 under 35 U.S.C. §103(a) as being unpatentable over Apps (5,184,748) in view of Koefeldt (5,465,843) is improper.

Grouping of Claims

The rejections of claims 1-32 are contested. Claims 1-32 do not stand or fall together.

For purposes of this appeal only and based upon the underlying rejections being appealed, Appellant groups the claims as follows:

I) For the rejections under 35 U.S.C. §112, second paragraph, as indefinite, claims 22, 23, 26 and 28-30 do not stand or fall together. Each of the rejections is actually a different ground of rejection, since they are rejected for different reasons.

A) Claim 22 does not stand or fall with the claims of groups B) – D) because the ground of rejection is different.

B) Claim 23 does not stand or fall with the claims of groups A), C) and D) because the ground of rejection is different.

C) Claim 26 does not stand or fall with the claims of groups A), B) and D) because the ground of rejection is different.

D) Claims 28-30 stand or fall together, but do not stand or fall with the claims of groups A)-C) because the ground of rejection is different.

II) For the rejection under 35 U.S.C. §102(b) as being anticipated by Apps '572, claims 8-16, and 23-25 do not stand or fall together.

E) Claims 8-16 stand or fall together, but do not stand or fall together with the claims of group F).

F) Claims 23-25 stand or fall together, but do not stand or fall together with the claims of group E).

- III) For the rejection under 35 U.S.C. §102(b) as being anticipated by Apps (U.S. Patent No. 5,184,748), claims 23 and 25-30 do not stand or fall together.
- G) Claims 23 and 25 stand or fall together, but do not stand or fall with groups H)-J).
 - H) Claim 26 does not stand or fall with groups G) or I)-J).
 - I) Claim 27 does not stand or fall with groups G), H) or J).
 - J) Claims 28-30 stand or fall together, but do not stand or fall with groups G)-I).
- IV) For the rejection under 35 U.S.C. §102(b) as being anticipated by Kalin (D361,663),
- K) Claims 31 and 32 stand or fall together.
- V) For the rejection under 35 U.S.C. §103(a) as being unpatentable over Apps '572 in view of Kalin (D361,663) and Hammett (5,421,477),
- L) Claims 1-7 stand or fall together.
- VI) For the rejection under 35 U.S.C. §103(a) as being unpatentable over Apps (5,184,748) in view of Koefeldt (5,465,843),
- M) Claims 17-22 stand or fall together.

Argument

I) §112 Rejections

The Examiner has rejected claims 22, 23, 26 and 28-30 as being indefinite under §112, second paragraph.

A) Claim 22

Claim 22 references “the bottle support area oriented at a corner of the floor member.” As the Examiner points out, this could reference any of the corners of the floor member. This claim is not indefinite because the scope of the claim, although broad, can be readily ascertained, i.e. any of the corners. The rejection of claim 22 should not be sustained.

B) Claim 23

The Examiner rejected claim 23 as indefinite because the phrase “the a nesting projection” has two articles. Applicant offered to correct this obvious error (by deleting “a”), but the Examiner refused to enter this Amendment. However, the claim is still not indefinite because what was intended is clear, since projection members were previously mentioned in the claim. It is readily apparent that the referenced “nesting projection” is intended to be the previously-referenced “nesting projection.”

C) Claim 26

The Examiner rejected claim 26 as indefinite saying the phrases “the first inner surface” and “the first outer surface” are each indefinite, because they were previously introduced in the plural, i.e. “first inner surfaces and first outer surfaces.” Although Applicant offered to correct this obvious minor error, the intended reference to the plural inner and outer surfaces is clear and claim 26 is not indefinite. It is readily apparent that the same surfaces are intended to be referenced.

D) Claims 28-30

The Examiner rejected claim 28 as indefinite saying the phrase “the bottle contact surface” does not have antecedent basis. Although Applicant offered to correct this obvious error, the claim is not indefinite because the scope of the claim can be determined. Other claims and the specification describe the “second outer surface portions inwardly offset from the first outer surface portions” as providing the “bottle contact surface.” Therefore, when the claim later references the “bottle contact surface,” that reference is clear and definite.

II) Rejection Under §102 over Apps ‘461 and Apps ‘572

The Examiner has rejected claims 8-16 and 23-25 as anticipated by Apps ‘461 (US 5,651,461) and Apps ‘572 (US 5,842,572) (hereinafter collectively “Apps ‘572”). Apps ‘572 is a continuation of Apps ‘461, so there is no reason to discuss them separately. Apps ‘572 describes a case for 2-liter plastic bottles. The case includes a plurality of pylons 58, including corner pylons 58a. A plurality of columns 30 and vertical walls 29 are disposed within the case to define a plurality of pockets 32. Figure 1 of Apps ‘572 is reproduced below.

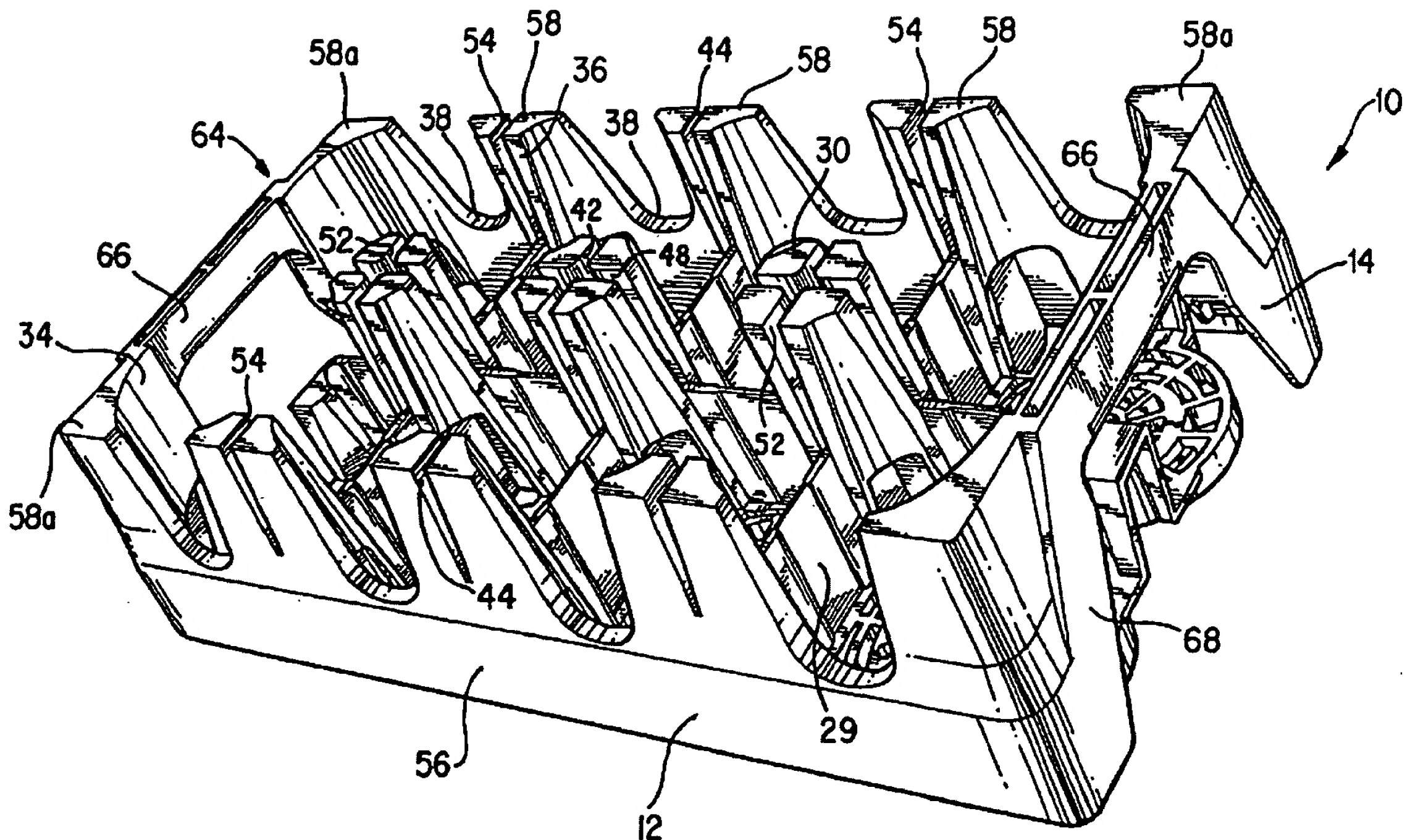


FIG. 1

Figure 1 of Apps '572

E) Claims 8-16

Even under the Examiner's strained interpretations of the claims and tenuous application of those interpretations to the Apps '572 reference, not all of the terms of the claims are met. Claim 8 describes certain features of columns that are in the side walls and in the end walls. The Examiner's purports to find these features in the columns in the side walls of Apps '572, but does not address the columns in the ends walls of Apps '572. More specifically, Apps '572 does not show columns in the end walls that have an interior surface having a pair of opposed surfaces meeting at a centrally disposed surface which defines a second plane offset from a first plane defined by an inner surface of an interior projection on a band, as recited by claim 8. Therefore, claim 8 is not anticipated by Apps '572. Because this feature is not recited in claims 23-25 and is not shown in the prior art, claims 8-16 are patentable independently of claims 23-25.

F) Claims 23-25

With respect to both the end walls and the side walls, Apps '572 does not show "a lower wall portion disposed along a plane offset inwardly from the projection members," as recited by claim 23, or "a lower wall structure inwardly offset from the upper wall member," as recited by claims 24 and 25. Rather, what the Examiner calls the "lower wall portion/structure" of Apps '572 is in the same, angled plane as what the Examiner calls the "projection member" or "upper wall member." Therefore, claims 23-25 are not anticipated by Apps '572. Because these features are not recited by claims 8-16 and not shown in the prior art, claims 23-25 are independently patentable.

III) Rejection Under §102 over Apps '748

The Examiner has rejected claims 23 and 25-30 as anticipated by Apps '748 (US 5,184,748). Apps '748 describes a tray for 12-ounce cans or for 2-liter bottles. Figure 1 of Apps '748 is reproduced below.

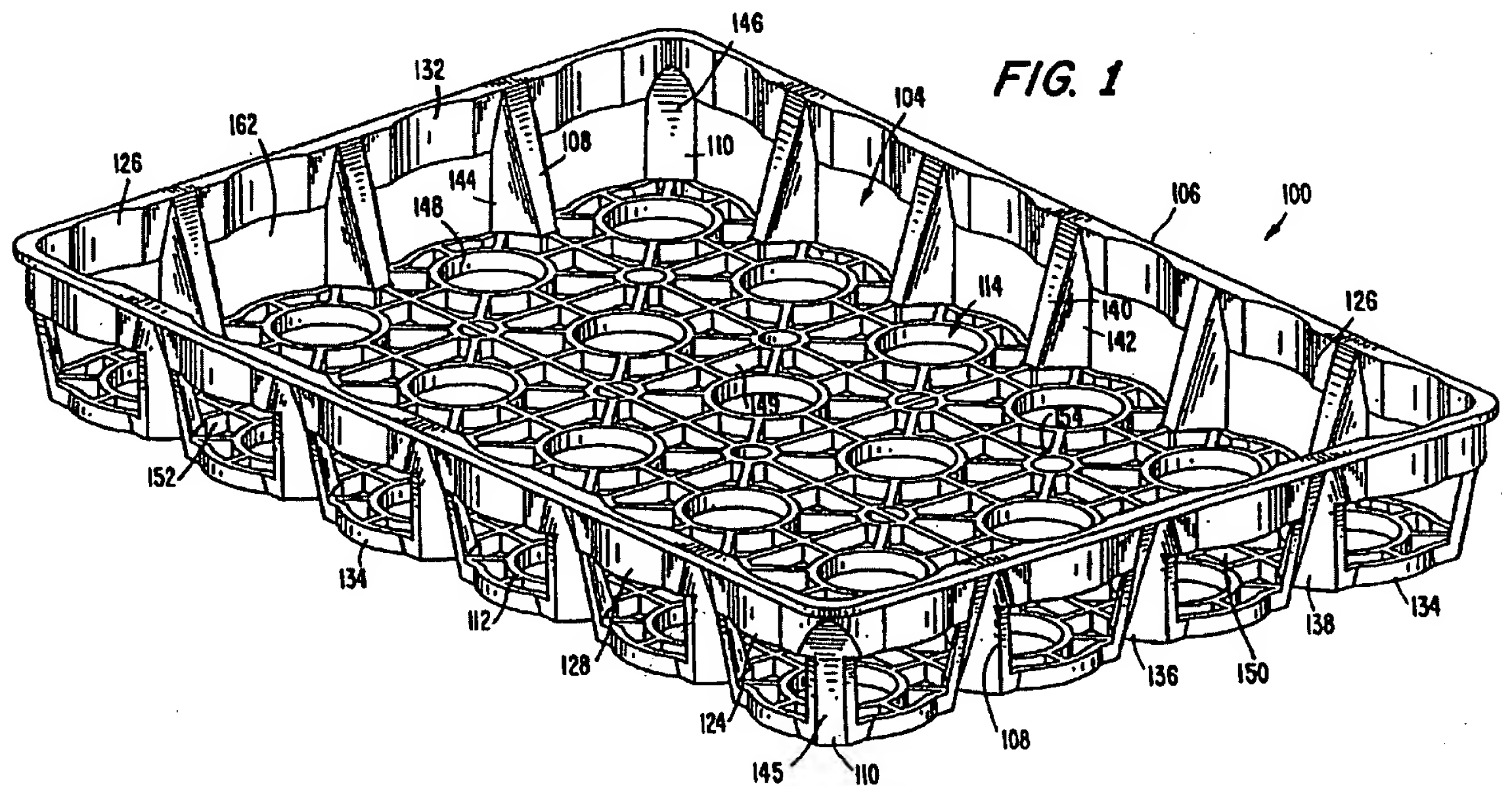


Figure 1 of Apps '748

G) Claims 23 and 25

First, referring to Figure 1 of Apps '748 (above), Apps '748 does not have "a lower wall portion disposed along a plane offset inwardly from the projection members," as recited by claim 23, or "a lower wall structure inwardly offset from the upper wall member," as recited by claim 25. Rather, in Apps '748, what the Examiner calls the "lower wall portion/structure" (presumably columns 108)) is in the same, angled plane (middle face 140) as what the Examiner calls the "projection member" or "upper wall member" (presumably an upper portion of middle face 140). Therefore, claims 23 and 25 are not anticipated by Apps '748. Because these features are not recited by the other claims and not shown in Apps '748, claims 23 and 25 are independently patentable.

H) Claim 26

Claim 26 requires that the exterior surface of the upper wall portion outside the "bottle contact surface" (the "second outer surface") be recessed relative to the exterior surface of the upper wall portion outside the "interior projections" (the "first outer surface"). In Apps '748, the "second outer surface" (exterior of what the Examiner calls "the bottle contact surfaces") is not "recessed relative to the first outer surface" (exterior of what the Examiner calls the "interior projections"). Therefore, claim 26 is not anticipated by Apps '748. Because these features are not recited by the other claims and not shown in Apps '748, claim 26 is independently patentable.

I) Claim 27

For claim 27, what the Examiner calls the "first outer surface portions" (outside the "interior projections") are not "defined by a generally flat planar surface." Instead, the outer surface of this area is concave with angled walls. Therefore, claim 27 is not anticipated by Apps '748. Because these features are not recited by the other claims, claim 27 is independently patentable.

J) Claims 28-30

What the Examiner calls the "first outer surface portions" are not "defined by a generally flat planar surface," as recited by claim 28. Nor is the outer surface of the end walls "generally planar and flat thereacross," as recited by claim 28. Therefore, claim 28 is not anticipated by Apps '748. Because these features are not recited by claims 23 and 25-27 and not shown in Apps '748, claim 28 is independently patentable.

IV) Rejection Under §102 over Kalin

K) Claims 31-32

The Examiner has rejected claims 31-32 as anticipated by Kalin (Des. 361,663). Figure 1 of Kalin is reproduced below. Claim 31 recites that the “upper wall portion” includes the handle area defined by the upper handle member and the lower handle member. Kalin does not disclose columns that extend from interior projections of what the Examiner calls “an upper wall portion.” This is particularly true with respect to handle area of Kalin. There are clearly no columns extending from the handle area, which is claimed as part of the “upper wall portion.” Therefore, Kalin does not anticipate claims 31-32.

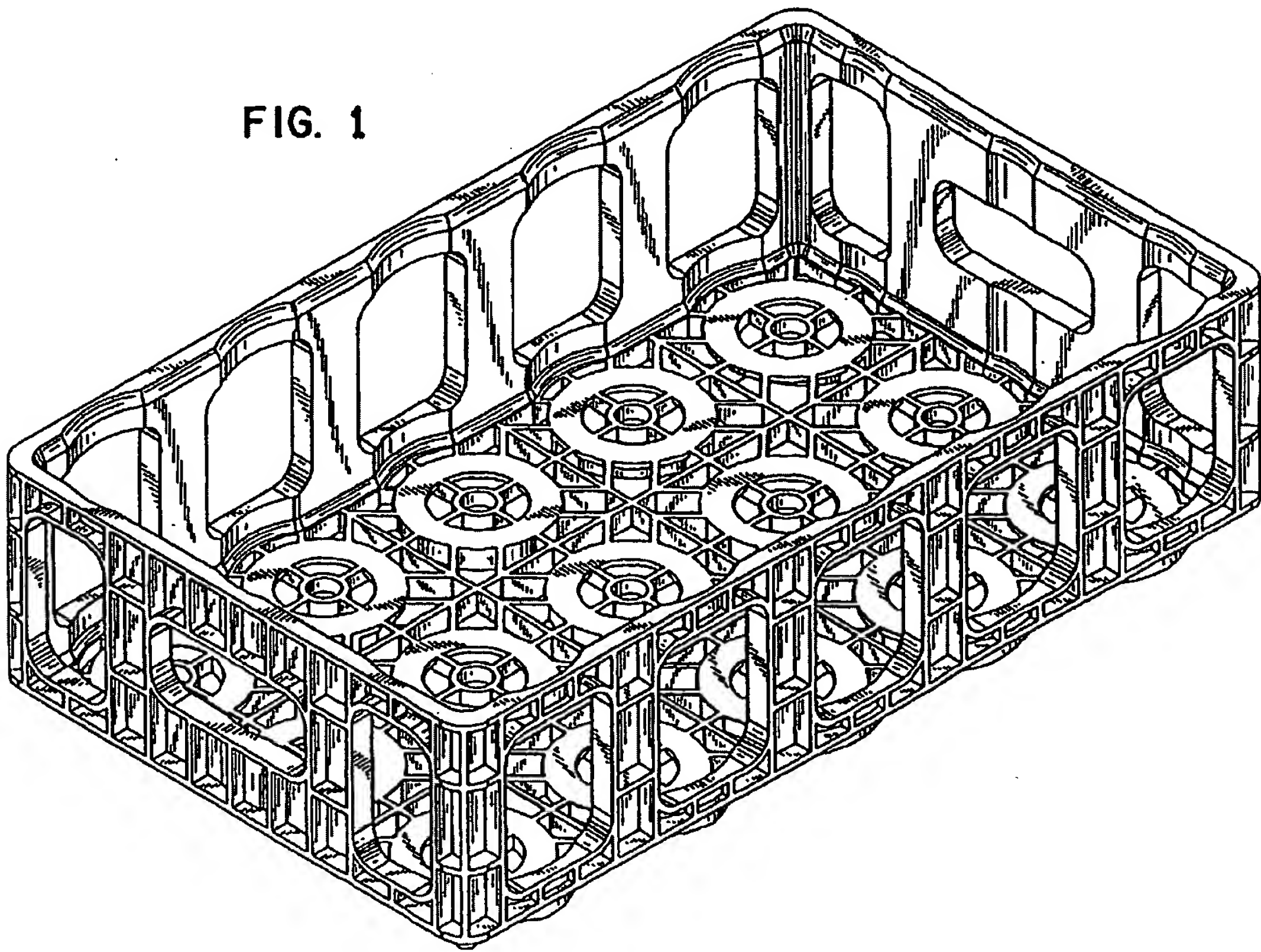


Figure 1 of Kalin

V) Rejection Under §103 over Apps '461, Apps '572, Kalin and Hammett

L) Claims 1-7

The Examiner has rejected claims 1-7 as obvious over Apps '572 (and Apps '461), Kalin and Hammett (US 5,421,477) by arguing that it would be "obvious to modify the bar handle [of Apps '572] to be a handle opening in the end walls of the upper band in order to provide the convenience of inserting a hand to grasp a crate as opposed to the gripping of a bar." This proposed motivation is not found in any of these references.

In fact, it is contrary to the teaching of Apps '572 to change the bar handle to a handle opening. Apps '572 suggests that it is necessary to maintain "a generally open area" below the handle in order to provide the ability to grasp the handle in the two orientations shown in Figures 13 and 14. (See for example, Apps '572, col. 8, lines 43-59.) One would expect that changing the bar handle to a handle opening would interfere with the "generally open area" and the ability to grasp handle in the two orientations. Apps '572, even as modified as proposed by the Examiner, would still not include "at least one column member" from the lower handle member to the floor portion. Adding a column member from the proposed lower handle member would even more drastically interfere with the grasping features of the Apps '572 crate and would interfere with the stacking and nesting of the Apps '572 crates. It would not be obvious to modify the case in such a manner, contrary to the teachings of these references.

Additionally, the Kalin and Hammett crates are for single-serving beverage containers and are consequently very different from the 2-liter bottle crates shown in Apps '572. Kalin and Hammett are more simple crates, with a simple overall structure - - four walls and a floor. One of skill would not look to the single-serving crates for suggestions for modifying a 2-liter bottle crate such as in Apps '572 with dividers and central columns. For this additional reason, it would not be obvious to modify Apps '572 to replace the handle by adding an end wall with a handle opening.

Neither Kalin nor Hammett show a column member from the lower handle member to the floor portion, as recited by claim 1. Therefore, even the crate modified as proposed by the Examiner would not meet the terms of claim 1. Therefore, claims 1-7 are not obvious.

VI) Rejection Under §103 over Apps '748 and Koefeldt '843

M) Claims 17-22

The Examiner has rejected claims 17-22 as obvious over Apps ‘748 in view of Koefeldt (US 5,465,843). The Examiner has not even proposed motivation for modifying the tray of Apps ‘748 to include a ledge as shown in Koefeldt. This is sufficient by itself to rebut the rejection by the Examiner because the Examiner has not set forth a *prima facie* case of obviousness.

The Examiner is referring to the stops 76 in Koefeld, as shown in Figure 14, reproduced below. According to the Koefeld patent, these stops 76 “act as bearing surfaces for panel bottom surfaces 75” of an empty similar crate stacked thereon. The stops 76 are provided “to prevent nested crates from becoming wedged together” when one pylon nests within the pylon of the upper crate. (Koefeld, col. 8, lines 5-17).

FIG. 14

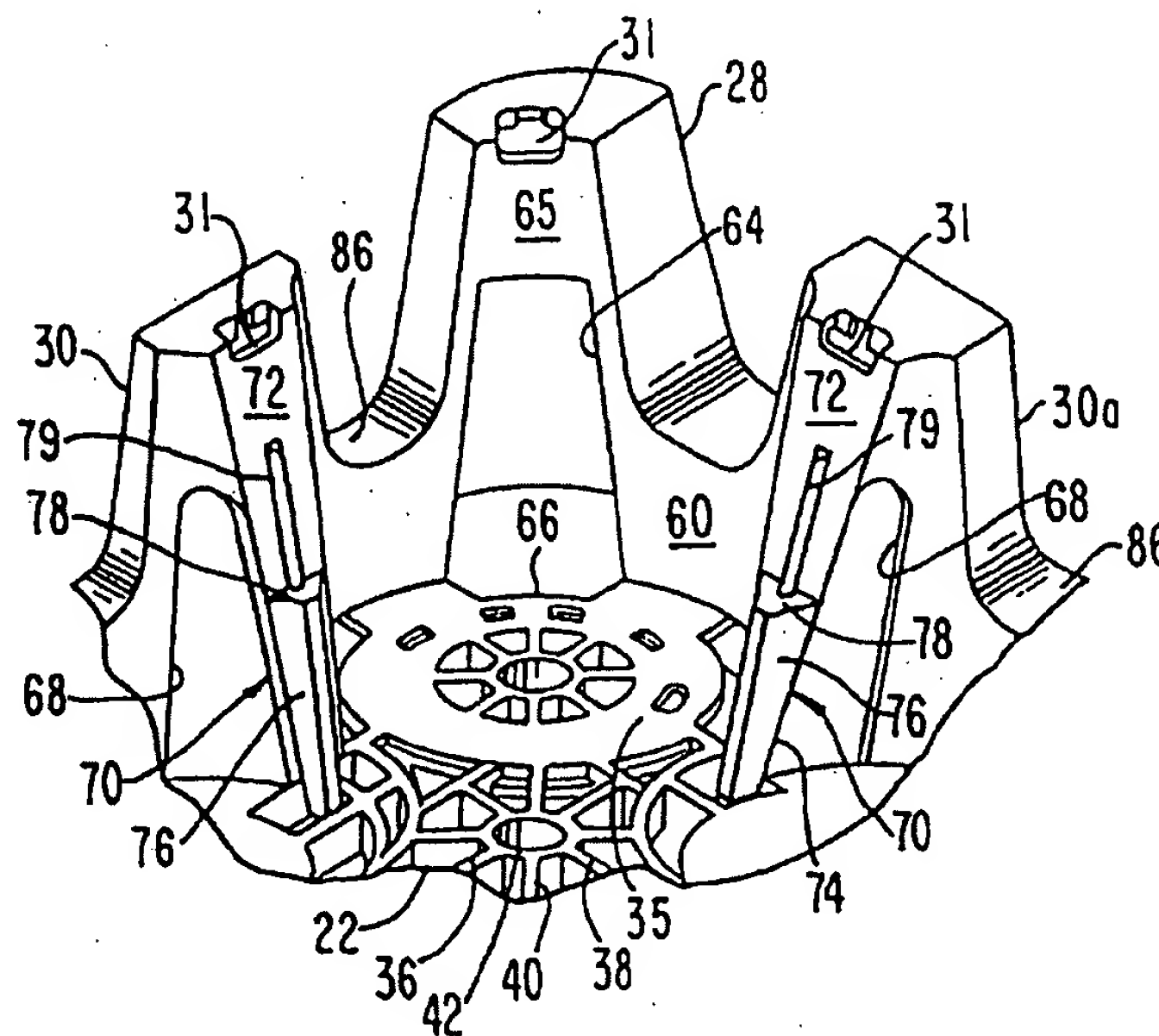


Figure 14 of Koefeld

In Apps '748, the band of one tray supports the band of a tray nested thereon, as shown in Figure 13, reproduced below. The band itself is the nesting stop. It would be unnecessary to add another ledge to limit nesting. Therefore, there is no reason (and no motivation) to add a ledge to Apps '748. Therefore, claim 17 is not obvious over Koefeldt and Apps '748.

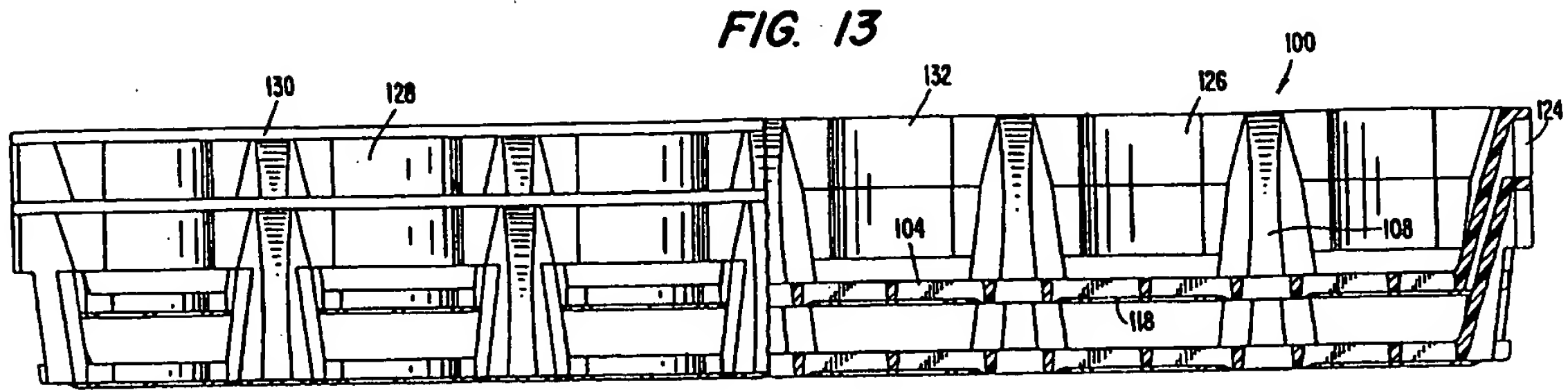


Figure 13 of Apps '748

Closing

For the above reasons, the Examiner's rejections should not be sustained. Please charge Deposit Account No. 50-1984 \$330 for the Appeal Brief fee. If any additional fees are due, please charge Deposit Account No. 50-1984.

Respectfully submitted,

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Dated: April 2, 2004

Claims Appendix

1. A nestable crate for bottles, said crate comprising:
a floor portion having a floor top surface and a floor bottom surface, the floor top surface including a plurality of bottle support areas for supporting bottles; and
a low-depth wall structure connected to the floor portion and forming a containment area therewith, the wall structure having a peripherally extending upper band portion having an interior surface with bottle contact portions and an exterior surface, the low-depth wall structure further having a single-walled lower wall construction comprising adjacent column members which extend between the upper band portion and floor portion, the wall structure including sidewalls and end walls, and adjacent column members having facing surfaces extending inwardly into the containment area, wherein at least one of the sidewalls and end walls includes a handle opening extending therethrough defined by an upper handle member and a lower handle member, with at least one column member from the lower handle member to the floor portion,
wherein the bottle contact portions, bottle support areas, and the facing surfaces define a plurality of bottle receiving pockets extending around the periphery of the wall structure for maintaining bottles in a vertically upright manner.
2. The crate of claim 1, wherein interior surface of the upper band portion includes a plurality of nesting members aligned with corresponding column members, such that an outer surface of the column members are configured to receive the nesting members of a like crate when in a nesting orientation.
3. The crate of claim 2, wherein the nesting members have a double-walled construction.
4. The crate of claim 1, wherein the bottle contact portion has a concave shape.
5. The crate of claim 4, wherein the bottle contact portion has a curvature corresponding to the facing surfaces.

6. The crate of claim 1, wherein the bottle contract portion has a single-walled construction.

7. The crate of claim 1 wherein the upper band member and each adjacent pair of columns define a window therebetween which is disposed below the upper band portion.

8. A low-depth nestable crate for holding bottles, said crate having a low-depth wall structure having sidewalls and end walls, said crate comprising:

a floor member having a floor top surface and a floor bottom surface;

a band extending around the periphery of the crate and spaced above the floor member for preventing the bottles from tipping, the band further having spaced-apart interior projections, the inner surface of which defines a first plane; and

a plurality of columns disposed along the sidewalls and end walls for connecting the band and the floor member, the columns being spaced apart and having a nesting window disposed therebetween, the columns having an interior surface and an exterior surface, the columns projecting offset inwardly from the band such that adjacent pair of columns define a bottle receiving area for containing one of the bottles therein, the interior surface of each column having a pair of opposed surfaces meeting at a centrally disposed surface which defines a second plane offset from the first plane, the exterior surface of the column having a recess to matingly receive corresponding projections from a similar crate nested therebelow.

9. The crate of claim 8, wherein the interior surfaces of the columns have a cylindrically concave surface.

10. The crate of claim 9, wherein the cylindrically concave surface extends from a lower column edge to an upper column edge.

11. The crate of claim 8 wherein the band includes a plurality of upright concave inner surfaces, said concave inner surfaces arranged in an alternating manner with the columns and being positioned to correspond to the generally cylindrical bottles.

12. The crate of claim 11, wherein the interior surfaces of the columns have a cylindrically concave surface, and wherein the cylindrically concave surface and its adjacent upright concave inner surface have a similar curvature radius.

13. The crate of claim 8 wherein at least a portion of the band has a single wall construction.

14. The crate of claim 8 further comprising upwardly recessed bottle top receiving areas on the floor bottom surface.

15. The crate of claim 8 wherein the crate has corner columns connecting the corner of the band to the floor member.

16. The crate of claim 8 wherein the interior projections of the band and adjacent columns have a common vertical centerline.

17. A low-depth nestable bottle crate comprising:
a floor member having a top surface and a bottom surface, the top surface having a plurality of bottle support areas for supporting an array of bottles in an upright manner;
a generally upright band member spaced apart from the floor member and extending around the periphery of the crate, the band member having an upper surface, a lower surface, an exterior surface, and an interior surface, the interior surface having a single walled bottle contact area corresponding to the bottle support areas of the floor member, the interior surface further having upper inwardly-extending portions between adjacent contact areas; and
a plurality of spaced-apart nesting columns connecting a periphery of the floor member with the lower surface of the band member, the columns including first and second opposed inner surfaces defining a corresponding vertical recess on the column outer surface, wherein the first inner surface of one of the plurality of columns, an adjacent second inner surface from an adjacent column, one of the bottle support areas and bottle contact areas define a bottle receiving pocket for supporting a bottle in an upright orientation, wherein the upper inwardly-extending portions and the columns have a transition ledge therebetween.

18. The crate of claim 17 wherein the bottle contact areas are define by arcuate surfaces on the band member interior surface which are arranged in an alternating manner with the columns and are positioned to correspond to the generally cylindrical bottles.

19. The crate of claim 17 wherein the first and second opposed inner surfaces and their adjacent bottle contact areas have a similar radius of curvature.

20. The crate of claim 17 wherein the columns are arranged in an alternating pattern with windows disposed therebetween and below the band member.

21. The crate of claim 17 wherein the band member includes side wall portions and end wall portions, and wherein the end wall portions of the band member include a handle opening formed therein.

22. The crate of claim 17 wherein the bottle support area oriented at a corner of the floor member is configured such that more than half of the bottle circumference is contained within the bottle support area.

23. A low-depth nestable bottle crate comprising:

a floor member having a top surface with a plurality of bottle support areas for supporting an array of bottles thereon;

an upper wall member spaced apart from the floor member and extending around the periphery of the crate, the upper wall member having an exterior surface, and also having an interior surface with spaced apart inwardly extending projection members, and bottle contact surfaces between the projection members; and

a lower wall portion disposed along a plane offset inwardly from the projection members and having a plurality of support members for connecting a periphery of the floor member with a lower surface of the upper wall member, the support members aligned with the a nesting projection of the upper wall member, the support members including first and second opposed inner surfaces defining a corresponding recess on the column outer surface for receiving the nesting projection of a like crate when nested, the lower wall structure having a window disposed between adjacent support members.

24. A nestable bottle crate comprising:

a floor member having a top surface with a plurality of bottle support areas for supporting an array of bottles thereon;

an upper wall member spaced apart from the floor member and extending around the periphery of the crate, the upper wall member having an upper edge, a lower edge, an exterior surface, and also having an interior surface with spaced apart inwardly extending nesting projections, and concave bottle contact surfaces between the nesting projections; and

a lower wall structure inwardly offset from the upper wall member and having a plurality of support members for connecting the floor member with a lower surface of the upper wall member, the support members vertically aligned with the nesting projections of the upper wall member, the support members including first and second opposed concave inner surfaces defining a corresponding recess on the column outer surface for receiving the nesting projection of a like crate when nested, the lower wall structure having a window disposed between adjacent support members.

25. A nestable crate assembly comprising:

(a) a first bottle crate comprising:

a floor having a top surface with a plurality of bottle support areas for supporting an array of bottles thereon;

an upper wall member spaced apart from the floor and extending around the periphery of the crate, the upper wall member having an upper edge, a lower edge, an exterior surface, and also having an interior surface with spaced apart inwardly-extending portions, and bottle contact surfaces between the inwardly-extending portions; and

a lower wall structure inwardly offset from the upper wall member and having a plurality of support members for connecting a periphery of the floor with the upper wall member, the support members vertically aligned with the inwardly-extending portions of the upper wall member, the support members including first and second opposed inner surfaces defining a corresponding recess on the column outer surface for receiving inwardly-extending portions of a like crate when nested, the lower wall structure having a window disposed between adjacent support members; and

(b) a second bottle crate comprising:

a plurality of generally vertical sidewalls defining a wall structure having an upper surface, outer surface and inner surface;

a floor attached to the wall structure and defining a compartment therewith,

wherein when the first bottle crate is nested within the compartment of the second bottle crate, the lower wall structure of the first bottle crate is disposed within the compartment of the second bottle crate such that the lower edge of the upper wall member of the first bottle crate rests upon the upper surface of the sidewalls of the second bottle crate, and wherein the exterior surface of the upper wall member of the first bottle crate is generally co-planar with the outer surface of the wall structure of the second bottle crate.

26. A low-depth nestable crate for holding bottles, said crate having a low-depth wall structure having sidewalls and end walls, said crate comprising:

a floor having a floor top surface and a floor bottom surface;

an upper wall portion extending around the periphery of the crate and spaced above the floor member, the upper wall portion having opposed sidewalls and opposed end walls, the sidewalls including a first upper wall portion and a second upper wall portion, the first upper wall portion having first inner surfaces and first outer surfaces spaced apart from each other, the first inner surface having interior projections extending inwardly into the crate, and the first outer surface being generally planar, the second upper wall portion being non-flat and having a second inner surface and a second outer surface, the second inner surface defining a bottle contact surface, the second outer surface recessed relative to the first outer surface; and

a plurality of columns disposed along the sidewalls and end walls for connecting the upper wall portion and the floor, the columns being spaced apart and having a nesting window disposed therebetween below the bottle contact surface, the columns having an interior surface and an exterior surface, the columns offset inwardly from the band such that adjacent pair of columns define a bottle receiving area for containing one of the bottles therein, the interior surface of each column having a pair of opposed surfaces meeting at a central surface, the exterior surface of the column having a recess to receive corresponding projections from a similar crate nested therebelow.

27. A low-depth nestable crate for holding bottles, said crate having a low-depth wall structure having sidewalls and end walls, said crate comprising:

a floor having a floor top surface;

an upper wall portion extending around the periphery of the crate and spaced above the floor member, the upper wall portion having an inner surface and an outer surface, the outer surface defined by alternating first outer surface portions and second outer surface portions, the first outer surface portions defined by a generally flat planar surface and the second outer surface portions defined by recessed uneven surfaces, the inner surface having a plurality of spaced-apart interior projections corresponding to the first outer surface portions, and a corresponding uneven bottle contact surface corresponding to the second outer surface portions;

a plurality of columns disposed along a periphery of the floor for connecting the upper wall portion and the floor, the columns being spaced apart and having a nesting window disposed therebetween, the columns disposed generally below the interior projections, and the window disposed generally below the bottle contact surface, the columns having an exterior recessed surface for receiving a similar crate nested therebelow.

28. A nestable crate for bottles comprising:

a floor;

a pair of opposed sidewalls and endwalls extending around the periphery of the crate and spaced above the floor member, the upper wall portion having an inner surface and an outer surface, the outer surface of the sidewalls defined by alternating first outer surface portions and second outer surface portions, the first outer surface portions defined by a generally flat planar surface and the second outer surface portions inwardly offset from the first outer surface portions, the outer surface of the endwalls being generally planar and flat thereacross, the inner surface of the sidewalls having a plurality of spaced-apart interior projections corresponding to the first outer surface portions;

a plurality of columns disposed along a periphery of the floor for connecting the upper wall portion and the floor, the columns being spaced apart and having a nesting window disposed therebetween, the columns disposed generally below the interior projections, and the window disposed generally below the bottle contact surface, the columns having an exterior recessed surface for receiving a similar crate nested therebelow.

29. The crate of claim 28, wherein the inner surface of the sidewalls further includes a bottle contact surface corresponding to the second outer surface portions.

30. The crate of claim 28, wherein one of the pairs of sidewalls and endwalls includes a handle opening therein.

31. A nestable crate comprising:

a floor;

an upper wall portion having extending around the periphery of the crate and spaced above the floor, the upper wall portion having an inner surface and an outer surface, the outer surface having an upper edge and lower edge generally parallel with each other, the inner surface including spaced-apart interior projections and a bottle contact surface disposed between a pair of adjacent interior projections, the upper wall portion further having opposed upper side walls and opposed upper end walls, wherein at least one of the opposed upper side walls and end walls includes a handle area defined by a handle opening with an upper handle member first disposed thereabove and a lower handle member disposed therebelow;

a lower portion having a plurality of columns disposed along the sidewalls and end walls for connecting the upper wall portion and the floor, the columns being spaced apart and having a nesting window disposed therebetween below the bottle contact surface, the columns having an interior surface and an exterior surface, the columns extending inwardly from the interior projections of the upper wall portion and having a first later edge and a second lateral edge, wherein the first later edge of one column and the second lateral edge of an adjacent column define a window therebetween.

32. The crate of claim 31, wherein the upper wall portion has an upper edge portion disposed above the upper handle member defined by a plurality of ribs.